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SERVICE DATE – DECEMBER 22, 2004

SEA

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34391

New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Co. - Construction,
Acquisition, and Operation Exemption - in Wilmington and Woburn, Massachusetts

Decided: December 20, 2004

ACTION: Notice of Availability of Post Environmental Assessment.

SUMMARY: On December 3, 2003, New England Transrail, LLC d/b/a the Wilmington and Woburn Terminal Railroad Company (Applicant or W&WTR) filed a petition with the Surface Transportation Board (Board) pursuant to 49 United States Code (U.S.C.) 10502 seeking exemption from the formal application procedures of 49 U.S.C. 10901 for authority to acquire 1,300 feet of existing track, construct 2,700 feet of new line, and to operate the entire approximately 4,000 feet of track located on and adjacent to a parcel of land owned by Olin Corporation (Olin) in Wilmington, Massachusetts, upon which Olin had in the past operated a chemical plant. The Olin-owned parcel is located in Wilmington, Massachusetts, but a portion of the line to be constructed and operated by W&WTR also would be located in Woburn, Massachusetts. The Applicant also proposes to construct on-site improvements, including a reload facility, and to rehabilitate the 1,300 feet of exiting track on the property, that is the subject of the Applicant's acquisition, to facilitate the transload of various commodities between truck trailers and rail cars. The Board's Section of Environmental Analysis (SEA) prepared an Environmental Assessment (EA) for this proposed project (August 4, 2004). The EA was made available to agencies, the public, and interested parties for a 30-day public comment period, which the Board extended by 14 days to September 17, 2004 at the request of local agencies and a citizen group. Many comments on the EA were received, and SEA has prepared a Post EA to respond to those comments and make final environmental recommendations.

Based on its independent analysis of all information available at this time, SEA concludes that Applicant's Proposed Action would not result in any significant environmental impacts if the mitigation measures recommended in the Post EA are imposed and implemented. Accordingly, SEA recommends that, in any decision by the Board granting final approval to the proposed construction, acquisition, and operation, Applicant should be required to implement the mitigation set forth in Chapter 1 of the Post EA, as well as any additional conditions for handling solid waste that may be imposed by the Board, upon recommendation by SEA, after receiving recommendations of the Massachusetts Department of Environmental Protection. The 38 recommended mitigation conditions in the Post EA include new conditions added to the 12 mitigation conditions set out in the EA. These conditions were developed in response to comments, additional analysis, and Applicant's suggested voluntary

mitigation. The conditions address a broad range of issues including transportation and safety, water resources, biological resources, air quality, solid waste, noise, odor and dust, community relations, emergency response, and hazardous materials/waste sites. SEA's final recommended mitigation would reduce or avoid any potential for significant environmental impacts associated with such issues as surface water, groundwater, the Maple Meadow Brook Aquifer, wetlands, and the transportation and handling of hazardous materials and solid waste. Because the Proposed Action, as mitigated, would not have the potential for significant environmental effects, preparation of an EA for this case is appropriate and the full Environmental Impact Statement (EIS) process is unnecessary.

The Board will now consider the entire environmental record, including SEA's final recommended mitigation measures and all environmental comments received in this proceeding in making its final decision as to whether to allow the Proposed Action to proceed, and if so, what mitigation to impose.

FOR FURTHER INFORMATION: Questions may be directed to Ms. Phillis Johnson-Ball, Environmental Project Manager, at (202) 565-1530. The EA is available on the Board's website at www.stb.dot.gov.

By the Board, Victoria J. Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams

Secretary